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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|-------------------------|---------------------|------------------|
| 10/749,267 | 12/31/2003 | Dilip Madhusudan Ranade | 5760-18900 | 8508 |
| 35690 | 7590 | 01/24/2008 | EXAMINER | |
| MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. P.O. BOX 398 AUSTIN, TX 78767-0398 | | | LUU, LE HIEN | |
| | | ART UNIT | PAPER NUMBER | |
| | | 2141 | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/749,267 | RANADE ET AL. |
| | Examiner | Art Unit |
| | Le H. Luu | 2141 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 12/31/03 - 08/22/05.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-30 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 31 December 2003 is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 05/19/05-08/22/05.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: ____.

1. Claims 1-30 are presented for examination.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-30 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Cooke et al. (Cooke), Pub. No. 2003/0093441.
4. As to claim 1, Cooke teaches the invention as claimed, including a system comprising:
 - a network (Fig 1; page 2, paragraph [0027]);
 - a plurality of computing nodes coupled via the network (Fig 1; page 2, paragraph [0027]);
 - wherein a first node from the plurality of nodes is operable to pre-allocated a plurality of data object replicas (page 1, paragraph [0006]; page 2, paragraphs [0026]);
 - wherein the first node is operable to use the plurality of data object replicas to satisfy a request to create a first data object in response to receiving the request after said pre-allocating the replicas (page 3, paragraphs [0030 – 0032]).
5. As to claims 2-3, Cooke teaches associating data objects replicas with the first

data object; allocation of disk space for the data object replica (page 3, paragraph [0030]).

6. As to claims 4-6, Cooke teaches pre-allocating a data object replica of each of a plurality of nodes; select the plurality of nodes on which to pre-allocate the data object replicas based on free space (page 2, paragraphs [0018 – 0020]).

7. As to claim 7-11, Cooke teaches pre-allocating the data object decrease latency of the request to create the first data object; storing information enabling nodes to access the replicas; maintain a cache of pre-allocated replicas; associate name of data object with data object replicas; pre-allocate another plurality of data object replicas for subsequent request to create another data object (page 3, paragraphs [0036 - 0039]).

8. Claims 12-30 have similar limitations as claims 1-11; therefore, they are rejected under the same rationale.

9. The following is a quotation of 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10. Claims 16-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claim "A carrier medium comprising program instructions executable to implement the method" raises a question as to whether the subject matter is new and useful process, machine, manufacture, or

composition of matter, or any new and useful improvement. Examiner suggests applicant replaces with "A computer storage medium comprising computer program instructions executable by a computer processor to implement a method" to overcome the 35 U.S.C. 101 rejection.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Le H. Luu whose telephone number is 571-272-3884. The examiner can normally be reached on 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LE HIEN LUU
PRIMARY EXAMINER